

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

De’Vonte Malachi, #1074-38694,)	C/A No. 4:21-2165-SAL-TER
Plaintiff,)	
)	
vs.)	ORDER
)	
Ms. Anita M. Williams,)	
Mr. Paul Burch,)	
Mr. Donald Hocker,)	
Defendants.)	
)	

This is an action filed by a pretrial detainee on July 19, 2021. [ECF No. 1.] It is before the court due to Plaintiff’s failure to comply with the magistrate judge’s order. [ECF No. 6.] Specifically, on July 28, 2021, the magistrate judge issued a proper form order (the “Order”), directing Plaintiff to bring the case into proper form by August 18, 2021. *Id.* The Order was mailed the same day, [ECF No. 8], and it was not returned as undeliverable. Thus, it is presumed that Plaintiff received the Order, but has neglected to comply with the Order within the time permitted. Further, a review of the record indicates that the magistrate judge specifically informed Plaintiff that if Plaintiff failed to comply with the Order, this case would be subject to dismissal. [ECF No. 6 at p.3.]

Plaintiff’s lack of response to the Order indicates an intent to not prosecute this case and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b) (district courts may dismiss an action if a Plaintiff fails to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*). As a result, this case is **DISMISSED** *without prejudice*. The Clerk of Court shall close the file.

IT IS SO ORDERED.

Florence, South Carolina
September 1, 2021

/s/Sherri A. Lydon

The Honorable Sherri A. Lydon
United States District Judge